

## Message Text

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ACTION L-03

INFO OCT-01 NEA-10 ISO-00 FBOE-00 A-01 SSO-00 /015 W  
-----100913Z 121684 /22

O 100848Z FEB 77  
FM AMEMBASSY KUWAIT  
TO SECSTATE WASHDC IMMEDIATE 7266

UNCLAS KUWAIT 0795

E.O. 11652: N/A  
TAGS: ACLM, ABLD, AFSP  
SUBJECT: JUDGMENT IN ABSENTIA AGAINST EMBASSY IN RENT CASE

REF: 76 KUWAIT 5401

1. ON FEB 6 EMBASSY RECEIVED MFA DIPLOMATIC NOTE TRANSMITTING TEXT OF A COURT JUDGMENT ISSUED ON JANUARY 10 AGAINST EMBASSY IN RENTAL CASE HEARD NOV 25. THE JUDGMENT IS AGAINST GUS P. PELEUSES (WHO DEPARTED POST IN AUGUST 1974) IN HIS CAPACITY AS ADMINISTRATIVE OFFICER. JUDGMENT DIRECTS EMBASSY TO VACATE TWO LONG TERM LEASES (PROPERTY NUMBERS 4445 AND 3445), TO PAY ANY RENT DUE UP UNTIL DATE OF FACATING PREMISES, AND TO PAY COURT COSTS.

2. THE PLAINTIFF (THE LANDLORD, THE AL-MULLA REAL ESTATE COMPANY) HAD ALLEGED THAT EMBASSY HAD PAID NEITHER THE RENT NOR THE UTILITY BILL FOR THE PERIOD APRIL 1 TO JUNE 30, 1976. BOTH ALLEGATIONS ARE FALSE. EMBASSY DEPOSITED RENT FOR BOTH PROPERTIES WITH COURT THROUGH A LOCAL ATTORNEY. EMBASSY HAS NOT RECEIVED A UTILITY BILL FROM THE LANDLORD FOR THREE YEARS. (WE PAY PRO-RATED SHARE OF THE AL-MULLA COMPOUND UTILITY BILLS.) THE DECISION FURTHER STATES THAT SINCE THE DEFENDANT, AFTER BEING PROPERLY SERVED ON TWO OCCASIONS, DID NOT APPEAR TO DEFEND HIMSELF, HE WAS CONSIDERED "IN PRESENCE." IN FACT, THE EMBASSY HAS RECEIVED ONLY THE ONE SUMMONS DESCRIBED IN THE REFTEL, AND THAT WAS RETURNED TO MINJUSTICE WITH LETTER STATING THAT WE COULD ONLY  
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ACCEPT SUCH A DOCUMENT IF IT WERE SENT THROUGH THE FOREIGN MINISTRY. MOREOVER, EMBASSY DID NOT RECEIVE ANY SUMMONS TO APPEAR IN COURT ON NOVEMBER 25.

3. EMBASSY BELIEVES THAT PROMPT ACTION SHOULD BE TAKEN ON OUR PART TO GIVE NOTICE OF OUR REJECTION OF THIS COURT JUDGMENT AND TO REQUEST INTERVENTION BY THE MINISTRY OF FOREIGN

AFFAIRS (MFA). UNLESS OTHERWISE INSTRUCTED BY THE DEPARTMENT, EMBASSY PLANS TO SEND A NOTE TO THE MFA ON FEB 16 INFORMING THEM THAT WE CONSIDER THIS ACTION AND PROCEDURE BY THE COURT A GROSS MISCARRIAGE OF JUSTICE SINCE THE FACTS AS PRESENTED BY AL-MULLA ARE IN ERROR AND BECAUSE THE EMBASSY WAS NEVER PROPERLY SERVED AND ASKED TO APPEAR. WE PLAN TO ASK MFA TO REQUEST THE MINISTRY OF JUSTICE TO INTERVENE TO HAVE THE DECISION SET ASIDE, BECAUSE WE HAVE A VALID LEASE, THE PROVISIONS OF WHICH WE HAVE CAREFULLY OBSERVED.

4. WE STILL HAVE RECEIVED NO RESPONSE TO THE REFTEL (DATED 18 NOV 76) IN WHICH WE ASKED FOR GUIDANCE ON HOW TO PROCEED IF WE WERE LEGALLY SUMMONED. WE WOULD STILL LIKE A RESPONSE TO THE QUESTIONS RAISED IN THAT TELEGRAM, AS WE WILL CERTAINLY BE SUMMONED IN THE FUTURE ON OTHER LEASES. ANY ADVICE ON STEPS WE MIGHT TAKE IN THE CASE DESCRIBED ABOVE WOULD ALSO BE APPRECIATED.  
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## Message Attributes

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